

The opinion in support of the decision being entered today was *not* written for publication and is *not* binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte* CHARLES J. GAZDIK, ELLIOT LEE KLOSTERMAN,  
SHANE KONSELLA, KWESI E. ABRAHAM and  
MICHAEL S. DE LAURENTIS

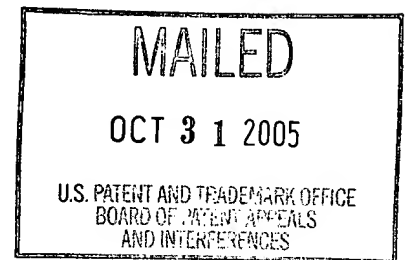
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Appeal No. 2005-2122  
Application No. 09/304,968

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ON BRIEF

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Before BARRETT, OWENS and BARRY, *Administrative Patent Judges*.  
OWENS, *Administrative Patent Judge*.

*DECISION ON APPEAL*

This appeal is from a rejection of claims 1-20, which are all of the pending claims.

*THE INVENTION*

The appellants claim a method, system and computer-readable program storage device for creating at least one operating system

font from a printer metrics file containing at least one set of font metrics. Claim 1, which claims the method, is illustrative:

1. A method for creating at least one operating system font from a printer metrics file containing at least one set of font metrics, each set of front metrics representing one font, the method comprising:

- (a) opening a printer metrics file;
- (b) reading one set of the at least one set of font metrics from the printer metrics file; and,
- (c) creating an operating system font from the one read set of font metrics.

#### *THE REFERENCE*

Simon et al. (Simon)	6,065,008	May 16, 2000
		(filed Oct. 1, 1997)

#### *THE REJECTION*

Claims 1-20 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Simon.

#### *OPINION*

We reverse the aforementioned rejection.

We need to address only the independent claims, i.e., claims 1, 8 and 14. Claims 1 and 14 require opening a printer metrics file containing at least one set of font metrics, reading one set of the at least one set of font metrics from the printer metrics file, and creating an operating system font from the one

read set of font metrics. Claim 8 requires means for opening a printer metrics file containing at least one set of font metrics, means for reading one set of the at least one set of font metrics from the printer metrics file, and means for creating an operating system font from a read set of font metrics.

The appellants acknowledge that it was known in the art to read printer metrics files and use the information contained in the printer metrics files to display an approximation of a printer font on a screen for a user to view (specification, page 1, lines 25-29). Because the font is displayed using an operating system, it reasonably appears to be an operating system font. Hence, there is an issue as to whether the appellants' claims are anticipated by the admitted prior art. That issue, however, is not the issue before us.

Simon discloses a system and method for securely distributing subsetting fonts (col. 2, lines 46-47). Simon describes the system and method as follows (col. 2, line 47 - col. 3, line 15):

The system includes a signing module, a subsetting module, and an authentication module. The signing and subsetting modules are resident at the font designer (or distributor), and the authentication module is resident at the client who requests and receives the subsetting font.

For a given font, the signing module constructs an authentication tree having leaves formed of glyphs,<sup>[1]</sup> one or more intermediate levels of nodes computed as one-way functions of the glyphs, and a root computed as a one-way function of the nodes. In one implementation, the one-way function is a hash function. In addition to glyphs, other data from the font file (e.g., permissions) might also be included in the authentication tree. The signing module digitally signs the root of the authentication tree using a private key unique to the font creator or distributor.

The subsetting module subsets the font to form a font subset requested by a client. The subsetting module constructs a font subset file that contains glyphs and other data to be included in the font subset. The font subset file also holds the digitally signed root of the font authentication tree and one or more authentication values of the authentication tree that represents glyphs and data of the font that are not contained in the font subset. The font subset file is then distributed to the client.<sup>[2]</sup>

At the client, the authentication module authenticates the font subset file received from the distributor. The authentication module reconstructs the root of the authentication tree using the glyphs and data in the font subset and the authentication values that represent glyphs and data not contained in the font subset. The authentication module also produces an unsigned root by using the public key of the font creator. The authentication module compares the unsigned root to the reconstructed root and if and only if they match, authenticates the font subset file as originating from the distributor and not being subsequently altered.

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<sup>1</sup> "A 'glyph' is an exact shape of a character form. For instance, in a cursive (handwritten) font, the character represented by a lowercase 'r' is rendered as one of two possible glyphs, depending on what character precedes it in the text" (col. 1, lines 26-30).

<sup>2</sup> The font subset file may also be stored in a font database (col. 4, lines 58-59).

Simon also discloses that "[t]he font file is typically organized as multiple tables that contain different information, including glyph outlines, usage restrictions, metrics, and so forth" (col. 5, lines 42-44), and that "[o]ther tables are also found in the font file, such as a metrics table" (col. 6, lines 49-50).

The examiner argues that Simon's font file is a printer metrics file because it contains a metrics table and is created from a set of font metrics (answer, pages 3 and 6). The appellants argue that a printer metrics file does not contain glyphs or outlines of the characters of a font and, therefore, unlike a font file, does not have enough information to use and display the font (brief, page 5; reply brief, page 2).<sup>3</sup> The examiner's argument is not persuasive because the examiner has not provided evidence which shows that because Simon's font file

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<sup>3</sup> The appellants' specification discloses:

"Printer metrics files 14 each contain information about one or more printer fonts 18. Information about each font is grouped into a set of font metrics. The set of font metrics for each printer font 18 typically includes the selection string, character set, point size, scalability, width, and height of printer font 18 and whether printer font 18 is bolded, italicized, or both. [page 3, lines 3-7]

\* \* \*

Font template 16 is a file that includes all of the information necessary to create an operating system font 12, except for the information contained in the set of font metrics retrieved from printer metrics file 14." [page 3, lines 18-21]

contains font metrics, it reasonably can be considered to be a printer metrics file.

The examiner argues that Simon's subsetting module creates a font subset file from reading information in the font file (answer, pages 6-8). The appellants argue that Simon discloses reading only the digitally signed root, glyphs, and authentication values, and that reading the font metrics is not necessary to either subsetting a font or authenticating the font subset (brief, page 6; reply brief, pages 2-3). The portions of Simon relied upon by the examiner disclose that 1) the subsetting module constructs from a font file a font subset file containing the font subset, a digitally signed root of the authentication tree, and one or more authentication values of the authentication tree that represent portions of the font that are not contained in the font subset (column 4, lines 52-59), 2) a signed font file is sent to a distributor by a number of conventional means (col. 3, lines 54-57), and 3) there are many different kinds of available fonts (col. 1, lines 15-17), but those portions do not disclose reading a set of font metrics. Hence, the examiner has not established that Simon discloses the reading of one set of font metrics required by the appellants' claims.

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For the above reasons we find that the examiner has not carried the burden of establishing a prima facie case of anticipation of the appellants' claimed invention.

### DECISION

The rejection of claims 1-20 under 35 U.S.C. § 102(e) over Simon is reversed.

REVERSED

Lee E. Barrett

LEE E. BARRETT  
Administrative Patent Judge

Terry J. Owens

TERRY J. OWENS  
Administrative Patent Judge

BOARD OF PATENT  
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INTERFERENCES

~~LANCE~~ LEONARD BARRY

Administrative Patent Judge

TJO/rwk

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Application No. 09/304,968

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